

Effective 5/12/2020

Part 5 Voting Offenses

20A-3a-501 Prohibited conduct at polling place -- Other prohibited activities.

- (1) As used in this section:
 - (a) "electioneering" includes any oral, printed, or written attempt to persuade persons to refrain from voting or to vote for or vote against any candidate or issue; and
 - (b) "polling place" means the physical place where ballots are cast and includes the physical place where a ballot drop box is located.
- (2)
 - (a) An individual may not, within a polling place or in any public area within 150 feet of the building where a polling place is located:
 - (i) do any electioneering;
 - (ii) circulate cards or handbills of any kind;
 - (iii) solicit signatures to any kind of petition; or
 - (iv) engage in any practice that interferes with the freedom of voters to vote or disrupts the administration of the polling place.
 - (b) A county, municipality, school district, or local district may not prohibit electioneering that occurs more than 150 feet from the building where a polling place is located, but may regulate the place and manner of that electioneering to protect the public safety.
- (3)
 - (a) An individual may not obstruct the doors or entries to a building in which a polling place is located or prevent free access to and from any polling place.
 - (b) A sheriff, deputy sheriff, or municipal law enforcement officer shall prevent the obstruction of the entrance to a polling place and may arrest an individual creating an obstruction.
- (4) An individual may not solicit any voter to show the voter's ballot.
- (5)
 - (a) An individual may not knowingly possess or control another individual's voted manual ballot, unless:
 - (i) the individual is an election official or postal worker acting in the capacity of an election official or postal worker;
 - (ii) the individual possesses or controls the voted ballot in accordance with Section 20A-3a-301, relating to emergency ballots;
 - (iii) the possession or control is authorized in order to deliver a military-overseas ballot in accordance with Chapter 16, Uniform Military and Overseas Voters Act;
 - (iv) subject to Section 20A-3a-208, the individual is authorized by a voter to possess or control the voter's voted ballot if the voter needs assistance delivering the ballot due to the voter's age, illness, or disability; or
 - (v) the individual resides in the same household as the voter.
 - (b) A violation of Subsection (5)(a) does not invalidate the ballot.
- (6) An individual who violates any provision of this section is, in addition to the penalties described in Subsections 20A-1-609(2) and (3), guilty of a class A misdemeanor.
- (7) A political subdivision may not prohibit political signs that are located more than 150 feet away from a polling place, but may regulate their placement to protect public safety.

Amended by Chapter 17, 2020 Special Session 6

20A-3a-502 Intimidation -- Undue influence.

- (1) It is unlawful for a person to induce or compel an individual to vote or refrain from voting at an election provided by law or to vote or refrain from voting for a particular individual or measure at an election provided by law, directly or indirectly, by:
 - (a) using force, violence, or restraint;
 - (b) inflicting or threatening to inflict injury, damage, harm, or loss; or
 - (c) by intimidation.
- (2) It is unlawful for a person to, by abduction, force, or fraud, impede, prevent, or otherwise interfere with the free exercise of the elective franchise of any voter, either in voting at any election provided by law or voting or refraining from voting for a particular individual or measure at an election provided by law.
- (3) It is unlawful for a person to:
 - (a) enclose in the salary or wage envelopes of an employee of the person, political mottoes, devices, or arguments containing threats, express or implied, intended or calculated to influence the political opinion, views, or action of the employee; or
 - (b) within 90 days before the day of an election provided by law, post or otherwise exhibit, in a location where the person's employees may be working or may be present in the course of employment, any handbill, notice, or placard containing any threat, notice, or information, that if any particular ticket or candidate is or is not elected:
 - (i) work performed by the person's employees will cease in whole or in part;
 - (ii) the workplace will close;
 - (iii) wages of workforce will be reduced; or
 - (iv) other adverse consequences, under the control of the person, will result.
- (4) Violation of this section is a class B misdemeanor.

Enacted by Chapter 31, 2020 General Session

20A-3a-503 Influencing employee's vote.

- (1) It is unlawful for any corporation, or any officer or agent of any corporation, to influence, or attempt to influence, induce, or compel by force, violence, or restraint, or by inflicting or threatening to inflict any injury, damage, harm, or loss, or by discharging from employment or promoting in employment, or by intimidation, or in any manner whatever, any employee to vote or refrain from voting at any election provided by law, or to vote or refrain from voting for any particular person or measure at that election.
- (2)
 - (a) Any corporation or any officer or agent of that corporation who violates any of the provisions of this section is guilty of a class B misdemeanor.
 - (b) Any corporation violating any of the provisions of this section shall forfeit its charter and right to do business in this state in addition to any other penalties imposed by law.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-504 Violations -- Penalties.

- (1) Except as provided in Subsection (3) or Section 20A-3a-208, an individual is guilty of a class C misdemeanor if the individual:
 - (a) allows the individual's ballot to be seen by another with the intent to reveal how the individual is about to vote;

- (b) states falsely that the individual is unable to mark the individual's ballot;
 - (c) interferes or attempts to interfere with any individual who is inside the voting booth or who is marking a ballot;
 - (d) induces or attempts to induce any voter who is inside a voting booth or who is marking a ballot to vote to show how the voter marked the voter's ballot; or
 - (e) takes a photograph of a ballot, other than the individual's own ballot, at a polling place.
- (2) The election judges and clerks shall report any individual who violates this section to the county attorney or district attorney having state criminal jurisdiction for prosecution.
- (3) Subsection (1) does not prohibit an individual from transferring a photograph of the individual's own ballot in a manner that allows the photograph to be viewed by the individual or another.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-505 False impersonation -- Double voting.

- (1)
- (a) An individual may not:
 - (i) apply for a ballot in the name of another individual, regardless of whether the other individual is living or dead, or is a fictitious person;
 - (ii) after having voted once at an election, apply again at the same election for a ballot in the individual's own name or any other name; or
 - (iii) sign the affidavit on a return envelope for another individual.
 - (b) An individual who violates Subsection (1)(a) is guilty of a third degree felony.
- (2)
- (a) An individual may not aid, assist, counsel, or procure another individual to commit the felony described in Subsection (1)(a).
 - (b) An individual who violates Subsection (2)(a) is guilty of a class A misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session

20A-3a-506 False information on provisional ballot envelope.

- (1) An individual may not wilfully falsify information on a provisional ballot envelope.
- (2) An individual who violates this section is guilty of a class B misdemeanor.

Renumbered and Amended by Chapter 31, 2020 General Session